

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5440 of 2007(A)

CRIME NO.667/2007 OF THODUPUZHA POLICE STATION

: PETITIONER/ACCUSED

ADV.JOSEPH PRAKASH, THONIKUZHIYIL HOUSE,
THUDANGANAD P.O.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.T.V.VINU

RESPONDENTS: STATE & COMPLAINANT

1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
THODUPUZHA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No. 5440 of 2007

Dated this the 17th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner, an Advocate, faces allegations for offences punishable, inter alia, under Sections 471 and 420 I.P.C.

2. The petitioner had allegedly purchased a vehicle, which stood in the name of one Ravindran as per the registration certificate, from one Jobin. He had paid the amount due to the said Jobin. After getting the relevant documents from the said Jobin, he had submitted the registration certificate along with the requisite applications to transfer the vehicle to his name. At the office of the Motor Vehicles Department, it was realised that there was some fraud in respect of the registration certificate. The authority complained to the local police. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner had no knowledge of the alleged fraud in respect of the registration certificate. If he had known of such fraud, it is improbable - nay impossible, that the petitioner, an Advocate, would have chosen to get the vehicle

transferred to his name. This must convey to the Court that the petitioner is himself an innocent victim of the fraud played by some other person. The petitioner is not now able to specify whether his transferee Jobin or the registered owner Ravindran or any other person is really responsible for the commission of the offence. The petitioner only submits that the petitioner is absolutely innocent. The petitioner shall co-operate with the investigator to ascertain the truth. The learned counsel for the petitioner submits that another person, who purchased a vehicle from the said Jobin does find himself also in a similar situation as the vehicle sold to such person by the said Jobin is also found to be not having a proper registration certificate. That registration certificate also has the same engine and chasis numbers, submits the learned counsel. The learned counsel for the petitioner submits that the petitioner shall co-operate with the investigator in every possible manner, but the petitioner may be saved of the undeserved trauma of arrest and detention in custody.

4. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor only submits that the contumacious and culpable role if any of the petitioner has got to be further probed into in detail. The prosecution has no objection in grant of anticipatory bail to the petitioner. But the same may be done only

subject to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation. I am satisfied that the petitioner can be granted anticipatory bail. In the circumstances explained above, it is not necessary to advert to facts in any greater detail.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 24.09.2007. He shall be enlarged on regular bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 25.09.2007 and 26.09.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 24.09.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) without any sureties undertaking to appear before the learned Magistrate on 24.09.07.

(R.BASANT, JUDGE)

rtr/-